

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ARTURO FLORES, CARLOS MARIN,
PATRICIA CUATE and CARMEN CUBILLAS, et al.
on behalf of themselves,
FLSA Collective Plaintiffs and the Class,

Plaintiffs,

Case No.: CV-12-8095

v.

~~Oetken, J.~~
Peck, M.J.

KC 53 LLC d/b/a SOCIAL EATZ,
SCOTT ALLING, ACE WATANASUPARP,
ROBERT KWAK, RICARDO CAMACHO
and HENRY AGUILAR,

Defendants.

**ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY
APPROVAL OF SETTLEMENT AND APPROVAL OF PLAINTIFFS' PROPOSED
NOTICE OF PENDENCY OF CLASS ACTION AND PROPOSED SETTLEMENT**

The above-entitled matter came before the Court on Plaintiffs' Unopposed Motion for Preliminary Approval of Settlement and Approval of Plaintiffs' Proposed Notice of Pendency of Class Action and Proposed Settlement ("Motion for Preliminary Approval") (Docket No. CV 12-8095). *(Robert E. Henry, NYSJ)*

I. Preliminary Approval of Settlement

1. Based upon the Court's review of the Declaration of C.K. Lee ("Lee Declaration"), and all other papers submitted in connection with Plaintiffs' Motion for

Preliminary Approval, the Court grants preliminary approval of the settlement memorialized in the Settlement and Release Agreement ("Settlement Agreement"), attached to the Lee

Declaration as Exhibit A. *denied*

2. The Court concludes that notice to the Class is appropriate.
3. The Court finds that the Settlement Agreement is the result of extensive, arm's length negotiations.
4. The Court finds that the Settlement Administrator's administration fees is appropriate and approves such fees.

II. Class Notice

4. The Court approves the Proposed Notice of Pendency of Class Action and Proposed Settlement ("Notice"), which is attached as Exhibit B to the Lee Declaration, and directs its distribution to the class. *(Court is to direct the notice to Class Members)*

5. The content of the Notice fully complies with due process and Federal Rule of Civil Procedure 23.

6. Pursuant to Federal Rule of Civil Procedure 23(c)(2)(B), a notice must provide:

the best notice practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort. The notice must concisely and clearly state in plain, easily understood language: the nature of the action; the definition of the class certified; the class claims, issues or defenses; that a class member may enter an appearance through counsel if the member so desires; that the court will exclude from the class any member who requests exclusion, stating when and how members may elect to be excluded; and the binding effect of a class judgment on class members under Rule 23(c)(3).

Fed. R. Civ. P. 23 (c)(2)(B).

7. The Notice satisfies each of these requirements and adequately puts class members on notice of the proposed settlement.

III. Class Action Settlement Procedure

8. The Court hereby sets the following settlement procedure:

On or before <u>6/17</u> , 2013	Parties will move for Preliminary Approval of Settlement Agreement and Release
10 days after Preliminary Approval PROPOSED: <u>6/27</u> , 2013	Defendants' counsel will provide the Settlement Administrator a mailing list in electronic form containing the names, last known addresses and telephone numbers for all Class Members as that information exists on file with Defendants.
20 days after Preliminary Approval: PROPOSED: <u>7/10</u> , 2013	Mailing of Class Notice.
45 days after date of first mailing of Class Notice: PROPOSED: <u>8/23</u> , 2013	Last day for Class Members to "opt out" of the Settlement or to submit written objections to the Settlement. <i>or to opt in to ALSA settlement</i>
48 days after first mailing of Class Notice: PROPOSED: <u>8/28</u> , 2013	Class counsel will file with the Clerk of the Courts copies of any Opt-out Statements and send a final list of all Opt-out Statements to Defendants' Counsel by email.
60 days after date of first mailing of Class Notice: PROPOSED: <u>9/6</u> , 2013	Last day for filing and service of papers in support of final Settlement Approval
<u>9/6</u> , 2013 <u>9:30</u> AM/PM	Final Settlement approval hearing.

AD THE CLERK SHALL CLOSE MOTION DKT. NO 55.

It is so ORDERED this 17th day of June, 2013.

[Signature]
Honorable ~~J. PAUL OETKEN~~
United States District Judge

HON. ANDREW J. PECK
United States Magistrate Judge
Southern District of New York

BY ECF

[Signature]